

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 05.04.2019

CORAM :

THE HONOURABLE MR.JUSTICE T.S.SIVAGNANAM
and
THE HONOURABLE MRS.JUSTICE V.BHAVANI SUBBAROYAN

Writ Appeal No.1320 of 2019
&
C.M.P.No.8976 of 2019

V.K.Ravikumar ...Appellant/Petitioner

-vs-

1. The District Collector,
Thiruvallur, Thiruvallur District.
2. The Commissioner,
HR & CE, Nungambakkam High Road,
Nungambakkam, Chennai - 34.
3. The Joint Commissioner,
HR & CE, Nungambakkam High Road,
Nungambakkam, Chennai - 34.
4. The Executive Officer,
HR & CE, Kandakottam, Park Town,
Chennai - 600 001.
5. The Tahsildar,
Ponneri Taluk Office,
Ponneri, Thiruvallur District.

...Respondents/Respondents

Writ Appeal filed under Clause 15 of Letters Patent against
the order of this Court in W.P.No.7737 of 2019 dated 18.03.2019.

WP.NO.7737/2019:

Petition under Article 226 of the Constitution of India
praying for the issue of Writ of Mandamus Directing the third
respondent not to put up any compound wall in petitioner
property at No.1/237 Pillayar Koil Street, Vilangadupakkam
Village and Post Red Hills, Chennai - 600 052 comprised in
Survey No.327/03.

For appellant : Mr.V.Nithyanandam

JUDGMENT

(Judgment of the Court was delivered by T.S.Sivagnanam, J.)

This appeal by the writ petitioner is directed against the order in W.P.No.7737 of 2019 dated 18.03.2019.

2. The said writ petition is filed by the petitioner to direct the third respondent/Joint Commissioner, HR & CE not to put up compound wall in the petitioner's property in Door No.1/237, Pillayar Koil Street, Vilangadupakkam Village and Post, Red Hills, Chennai - 600 052.

3. The learned counsel for the appellant submitted that there is mistake in the prayer of the writ petition and direction should be sought for against the fourth respondent namely Executive Officer instead of third respondent/Joint Commissioner. However, the learned counsel for the appellant did not take any steps to amend the prayer in the writ petition. Furthermore, the petitioner did not produce any document to show that he has got title over the property. In any event, the dispute being civil in nature, merely because the temple is under the control of the department, a writ petition cannot be maintained.

4. In the result, the writ appeal stands dismissed and the order passed by the learned writ Court is confirmed. No costs. Consequently, connected miscellaneous petition is closed.

Sd/-

Assistant Registrar(CS VIII)

//True Copy//

सत्यमेव जयते

Sub Assistant Registrar

To

1. The District Collector,
Thiruvallur, Thiruvallur District.
2. The Commissioner,
HR & CE, Nungambakkam High Road,
Nungambakkam, Chennai - 34.

WEB COPY

3. The Joint Commissioner,
HR & CE, Nungambakkam High Road,
Nungambakkam, Chennai - 34.
4. The Executive Officer,
HR & CE, Kandakottam, Park Town,
Chennai - 600 001.
5. The Tahsildar,
Ponneri Taluk Office,
Ponneri, Thiruvallur District.

Writ Appeal No. 1320 of 2019
&
C.M.P.No.8976 of 2019

nr 20/06/2019



WEB COPY